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SENATE BILL 856

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Mary Kay Papen

AN ACT

RELATING TO MEDICAL MALPRACTICE; PROVIDING FOR INCLUSION OF
NURSING FACILITIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 41-5-3 NMSA 1978 (being Laws 1976,
Chapter 2, Section 3, as amended) is amended to read:

"41-5-3. DEFINITIONS. -- As used in the Medical Malpractice
Act:

A. "health care provider" means a person,
corporation, organization, facility or institution licensed or
certified by this state to provide health care or professional
services as a doctor of medicine, hospital, outpatient health
care facility, nursing home, intermediate care facility, a
post-acute health care facility, doctor of osteopathy,
chiropractor, podiatrist, nurse anesthetist or physician's

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1 assistant;

2 B. "insurer" means an insurance company engaged in
3 writing health care provider malpractice liability insurance in
4 this state;

5 C. "malpractice claim" includes any cause of action
6 arising in this state against a health care provider for
7 medical treatment, lack of medical treatment or other claimed
8 departure from accepted standards of health care which
9 proximately results in injury to the patient, whether the
10 patient's claim or cause of action sounds in tort or contract,
11 and includes but is not limited to actions based on battery or
12 wrongful death; "malpractice claim" does not include a cause of
13 action arising out of the driving, flying or nonmedical acts
14 involved in the operation, use or maintenance of a vehicular or
15 aircraft ambulance;

16 D. "medical care and related benefits" means all
17 reasonable medical, surgical, physical rehabilitation and
18 custodial services and includes drugs, prosthetic devices and
19 other similar materials reasonably necessary in the provision
20 of such services;

21 E. "patient" means a natural person who received or
22 should have received health care from a licensed health care
23 provider, under a contract, express or implied; and

24 F. "superintendent" means the superintendent of
25 insurance of this state."